

10 Rec'd PCT/PTO 26 JAN 2006



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U.S. APPLICATION NUMBER NO. 10/519,113	FIRST NAMED APPLICANT Shinij Nakade	ATTY. DOCKET NO. W85522
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23373  
 SUGHRUE MION, PLLC  
 2100 PENNSYLVANIA AVENUE, N.W.  
 SUITE 800  
 WASHINGTON, DC 20037

INTERNATIONAL APPLICATION NO. PCT/JP03/08039	
I.A. FILING DATE 06/25/2003	PRIORITY DATE 06/26/2002

DOCKETED  
 JUN 23 2005

CONFIRMATION NO. 9389

371 FORMALITIES LETTER



\*OC000000017422829\*

Date Mailed: 11/21/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/23/2004
- Copy of the International Search Report filed on 12/23/2004
- Copy of IPE Report filed on 12/23/2004
- Preliminary Amendments filed on 12/23/2004
- Information Disclosure Statements filed on 12/23/2004
- Request for Immediate Examination filed on 12/23/2004
- Copy of references cited in ISR filed on 12/23/2004
- U.S. Basic National Fees filed on 12/23/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHRISTINE S WASHINGTON

Telephone: (703) 308-9140 EXT 228

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/519,113	PCT/JP03/08039	W85522

FORM PCT/DO/EO/905 (371 Formalities Notice)

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q85522

Shinij NAKADE, et al.

Appln. No.: 10/519,113 (PCT/JP03/08039)

Group Art Unit: not yet assigned

Confirmation No.: 9389

Examiner: not yet assigned

Filed: December 23, 2004

For: PHARMACEUTICAL COMPOSITION FOR TREATMENT OF DISEASE DUE TO  
VASCULAR CONSTRICTION OR VASODILATION

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.  
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

**MAIL STOP PCT**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the "Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)," mailed November 21, 2005, Applicant respectfully submits that a copy of the Declaration properly executed by the inventors identifying the application by the international application number and international filing date was filed on November 1, 2005.

The Declaration and Assignment documents, along with two checks in the amount of \$130 and \$40 for the late filing surcharge and assignment recordation fee, respectively, were received and acknowledged by the PTO as evidenced by the attached duly-stamped receipt issued by the PTO on November 1, 2005. Copies of the Submission of Executed Declaration, the two-page Declaration and the one-page Assignment as filed on November 1, 2005, as well as a copy of the PTO Receipt sheet, are attached hereto.

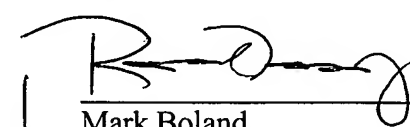
Mail Stop PCT

Attorney Docket No. Q85522 (PCT/JP03/08039)

Because the Declaration and Assignment documents were filed on November 1, 2005, and the Notification of Missing Requirements was issued November 21, 2005, Applicant believes that the late-filed documents were probably not matched with the file by the time the Notification was issued. In view of the foregoing, Applicant respectfully requests the PTO to withdraw the Notification of Missing Requirements mailed on November 21, 2005, with a confirmation that all the alleged missing requirements have been met.

Because the Declaration and Assignment documents were filed on November 1, 2005, the Notification of Missing Requirements dated November 21, 2005, was issued in error. Therefore, Applicant should not be charged a fee for an extension of time for filing this paper in response to the Notification. Nevertheless, the USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,

  
f. Mark Boland  
Registration No. 32,197

REG. NO.  
47,125

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WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: January 26, 2006

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**FILING RECEIPT**  
**PLEASE DATE STAMP AND RETURN TO US - BOX 235X**

In re application of

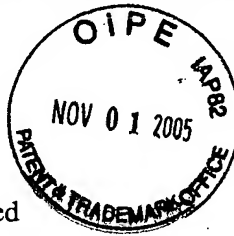
Shinij NAKADE, et al.

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VASCULAR CONSTRICTION OR VASODILATION



Group Art Unit: not yet assigned

Examiner: not yet assigned

**PAPER(S) FILED ENTITLED:**

1. Submission of Executed Declaration (in duplicate) with a copy of the executed Declaration and Power of Attorney, and a check in the amount of \$130.00
2. Copy of an executed Assignment with PTO Form 1595 and a check in the amount of \$40.00

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DOCKET NO.: Q85522  
ATTORNEY/SEC: MB/aam  
Date Filed: November 1, 2005

WASHINGTON OFFICE

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CUSTOMER NUMBER